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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,072	11/13/2003	Wolfgang Burkert	3587-000011	7918

27572 7590 03/20/2007  
HARNESSE, DICKEY & PIERCE, P.L.C.  
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EXAMINER
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JOYCE, WILLIAM C

ART UNIT	PAPER NUMBER
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3682

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/20/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/712,072	<b>Applicant(s)</b> BURKERT ET AL.	
	<b>Examiner</b> William C. Joyce	<b>Art Unit</b> 3682	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10-12 is/are rejected.
- 7) ☒ Claim(s) 9, 13 and 14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This Office Action is in response to the amendment filed December 21, 2006 for the above identified patent application.

#### ***Drawings***

1. The drawings were received on December 21, 2006. These drawings are approved.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3 10, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alschweig (DE 100 51 707) in view of Torii et al. (USP 5,115,690).

Alschweig teaches a device for carrying and fastening a robot, the device having a bottom horizontal component (2), a vertical component (5) and a top at least approximately horizontal component (6), wherein the device comprises a foot as bottom horizontal component, a column, adjoining the foot, as vertical component, and at least one cantilever arm, fastened to this column, as top component for fastening the robot, the at least one cantilever arm being fastened to the column in a fixed position, and wherein the device having at least partly of a composite material.

Alschweig does not teach the robot device having a niche for accommodating components of control electronics and/or pneumatic components for the robot. However, it was known in the art to form robotic structures with the claimed niche for accommodating electric cabling. For example, the prior art to Torii et al. teaches a robot having an arm structure (20), the arm structure having a niche (28) for accommodating electric cables, the niche having a cover (42) for covering the cables during operation of the robot. Referring to the written description, it is understood the niche is used to protect the cables from damage and make the cables readily accessible when assembling the robot or carrying out maintenance service. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the stand of Alschweig with a niche for accommodating electric cables, as taught by Torii, motivation being to protect any robotic cables from the working environment while allowing for easy access to the cables for routine maintenance.

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alschweig (DE 100 51 707) and Torii et al. (USP 5,115,690) as applied to claim 1 above, and further in view of Ward (USP 6,623,169).

Alschweig does not appear to teach the support arrangement having a material for inhibiting microorganisms. The prior art to Ward teaches a support housing having an antimicrobial agent. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the supporting device of Alschweig with an

antimicrobial agent, as taught by Ward, motivation being to prevent microorganisms from growing on the device when used in a sterile operation.

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alschweig (DE 100 51 707) and Torii et al. (USP 5,115,690) as applied to claim 1 above, and further in view of Sheehan et al. (US Pub. 2001/0042424).

Alschweig does not appear to teach the cantilever arm having a core of a composite material and an outer envelope of another material. The prior art to Sheehan et al. teaches a supporting base member (10) having cast iron base and a core formed of a polymer composite material for reducing vibration of the device. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the support structure of Alschweig with a core formed of a composite material, as taught by Sheehan et al., motivation being to reduce vibration of the device.

6. Claims 6, 8, and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alschweig (DE 100 51 707) and Torii et al. (USP 5,115,690) as applied to claim 1 above.

Alschweig does not appear to teach the cantilever arm being configured as a solid body. It would have been obvious to one of ordinary skill in the art at the time the invention was made to form the cantilever arm of Alschweig as a solid member, motivation being to provide a more rigid component.

Alschweig does not teach the device having two cantilever arms. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a pair of arms for supporting the robot, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. V. Bemis Co.*, 193 USPQ 8.

Alschweig does not teach the supporting device used in combination with a delta robot, however it was known in the art to support a delta robot by a supporting device. It would have been obvious to use the supporting arrangement of Alschweig for supporting a delta robot, motivation being to provide means for adapting the robot for use in a variety of applications.

With respect to claim 12, it would have been obvious to one having ordinary skill in the art at the time the invention was made to form the device from the claimed materials, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

#### ***Allowable Subject Matter***

7. Claims 9, 13, and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

8. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note the cable niche of Terada et al. (USP 6,250,174).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William C. Joyce whose telephone number is (571) 272-7107. The examiner can normally be reached on Monday - Thursday 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on (571) 272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3682

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

 3/18/07  
William C. Joyce